

VZCZCXRO7904  
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DE RUEHEK #0002/01 0031229  
ZNY CCCCC ZZH  
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FM AMEMBASSY BISHKEK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8786  
INFO RUCNCIS/CIS COLLECTIVE IMMEDIATE  
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1893  
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 1472  
RHEFDIA/DIA WASHDC IMMEDIATE  
RUEKJCS/OSD WASHDC IMMEDIATE  
RUEAIIA/CIA WASHDC IMMEDIATE  
RHEHNSC/NSC WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE  
RUEHGV/USMISSION GENEVA IMMEDIATE 0435  
RUEHVEN/USMISSION USOSCE IMMEDIATE 2305  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1690  
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE  
RUEHBS/USEU BRUSSELS IMMEDIATE  
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE  
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000002

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DEPT FOR SCA/CEN

E.O. 12958: DECL: 01/03/2017

TAGS: [PGOV](#) [PREL](#) [KG](#)

SUBJECT: KYRGYZ PARLIAMENT ADOPTS NEW CONSTITUTION

REF: A. 06 BISHKEK 1826

[1](#)B. 06 BISHKEK 1812

[1](#)C. 06 BISHKEK 1807

BISHKEK 00000002 001.2 OF 002

Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

[1](#)1. (SBU) Summary: On December 30, the Kyrgyz Parliament, under pressure from President Bakiyev, voted to adopt a new constitution. This new constitution reportedly would restore to the president powers lost in the November 2006 constitution, including control over law enforcement agencies and the power to nominate judges, governors, and local officials (Ref C). The text of the new constitution has not been made public, and President Bakiyev has not yet signed the constitution into effect. Opposition leaders complained that adoption of the new constitution was done in violation of the procedures established in the November constitution, and they said they would challenge the new constitution in the Constitutional Court. End Summary.

[1](#)2. (C) On the morning of December 30, President Bakiyev addressed the parliament, criticizing deputies for not moving forward on the reform program and not enacting laws to support the November constitution. Bakiyev also reportedly threatened, at least in private, to dissolve parliament if the deputies did not take action to amend the constitution, and he scheduled a meeting of the National Security Council for mid-afternoon.

[1](#)3. (C) Early in the afternoon of December 30, the parliament adopted a new constitution, with 50 deputies (2/3 of the seats) voting in favor. This was the third vote on the constitution that day, despite the fact that parliamentary procedure does not allow the same issue to be raised for one year after it has been voted down. The text of this new constitution has not been made public, and President Bakiyev has yet to sign it into effect.

[1](#)4. (C) On December 25, parliament narrowly failed to pass a

version that reportedly would have restored to the president control over the law enforcement agencies, including the National Security Service (SNB) and the Ministry of Emergency Situations, as well as the power to appoint judges, governors, and local administrators (Ref C). On December 29, prior to the vote, Speaker of Parliament Marat Sultanov told the Ambassador that there were several drafts of amendments and new constitutions, but the version that would be voted on would not be the same clawback of power that the president originally proposed. Member of Parliament Iskhak Masaliyev told Poloff on December 29 that the new constitution would correct contradictions and mistakes in the November constitution, and would "make clear" rather than really expand presidential authority.

15. (C) The opposition immediately cried "foul" about the manner in which parliament adopted the new constitution, with at least one member of the For Reforms movement saying it would challenge the adoption in the Constitutional Court. MP Temir Sariyev said that while the opposition had agreed to some compromises on the substance of amendments, it had done so on condition that any amendments be adopted in accordance with the procedures outlined in the November constitution. (Note: Under the November constitution, parliament has authority to approve amendments, but only after a ruling from the Constitutional Court. The Constitutional Court must give its ruling no earlier than three months and no later than six months from the date of submission of the proposal to the parliament. Currently, the Constitutional Court has two vacancies and is not operational. End Note.) MP Masaliyev said that with the Constitutional Court not functioning, parliament effectively had no choice but to shortcut procedures, due to the urgency of the situation.

16. (C) Comment: Reaction to the new constitution -- adopted  
BISHKEK 00000002 002.2 OF 002

less than two months after the last constitution -- has been relatively muted, largely because of the long New Year's holiday weekend. There may be legal challenges to the procedures followed in adopting this constitution; For Reforms has vowed to go to the Constitutional Court, and others have questioned whether the parliament needed 50 or 51 votes to pass the measure. But as we saw with the November constitution, which was also adopted under hazy legal guidelines, what is important is the agreement of the key players, not the legal formalities.

17. (C) Comment continued: We have not seen the text of what parliament voted to adopt on December 30, but it is certain that this new constitution restores to the president significant powers that were lost in the November constitution. Just how much power will shift remains to be seen. The November constitution had been a step forward in establishing a better balance of powers between the branches of government, and this constitution likely will tilt the balance back in favor of the president. Faced with the threat of dissolution, the parliamentarians cut a deal: in order to keep their seats -- at least for now -- they gave the president what he wanted.  
YOVANOVITCH